

FAQ12845

Q: If an EP, eligible hospital or Critical Access Hospital (CAH) is unable to effectively plan for a reporting period in 2015 due to the timing of the publication of the 2015 through 2017 Modifications final rule, can they apply for a hardship exception?

A: Yes, if a provider is unable to meet the requirements of meaningful use for an EHR reporting period in 2015 for reasons related to the timing of the publication of the final rule, a provider may apply for a hardship exception.

For the hardship exception for the 2017 payment adjustment, CMS is required to use the categories defined for a hardship on the CMS website as of December 15, 2015. Through inquiries to CMS, providers have expressed that a primary concern related to the rule timing is in making any system changes, including to calculations or reports, in time to succeed in 2015. Therefore, the sub-category for issues related to the 2015 rulemaking timeline is included under the existing category for extreme and uncontrollable circumstances related to the implementation and use of CEHRT (Section 2.2d).

Providers who experienced an issue with their CEHRT related to the rule timing and any other provider for whom the timing of the rule caused a significant hardship should select sub-category 2.2d on the 2017 hardship exception application.

CMS does not require a provider or group of providers to submit documentation for this or any other hardship category selected and CMS will not be reviewing documentation supporting the application on a case-by-case basis. CMS will review the application to record the category selected and use the identifying information to approve the hardship exception for each provider listed on the application. Providers should retain documentation of their circumstances for their own records, but no such documentation is required for review by CMS.

Providers may find the application and instructions at: https://www.cms.gov/Regulations-and-Guidance/Legislation/EHRIncentivePrograms/PaymentAdj_Hardship.html

<https://www.cms.gov/EHRIncentivePrograms>

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